



Rep. Barbara Flynn Currie

Filed: 5/29/2011

09700SB1680ham002

LRB097 06865 AMC 56522 a

1 AMENDMENT TO SENATE BILL 1680

2 AMENDMENT NO. _____. Amend Senate Bill 1680 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5A-2 as follows:

6 (305 ILCS 5/5A-2) (from Ch. 23, par. 5A-2)

7 (Section scheduled to be repealed on July 1, 2014)

8 Sec. 5A-2. Assessment.

9 (a) Subject to Sections 5A-3 and ~~and~~ 5A-10, an annual
10 assessment on inpatient services is imposed on each hospital
11 provider in an amount equal to the hospital's occupied bed days
12 multiplied by \$84.19 multiplied by the proration factor for
13 State fiscal year 2004 and the hospital's occupied bed days
14 multiplied by \$84.19 for State fiscal year 2005.

15 For State fiscal years 2004 and 2005, the Department of
16 Healthcare and Family Services shall use the number of occupied

1 bed days as reported by each hospital on the Annual Survey of
2 Hospitals conducted by the Department of Public Health to
3 calculate the hospital's annual assessment. If the sum of a
4 hospital's occupied bed days is not reported on the Annual
5 Survey of Hospitals or if there are data errors in the reported
6 sum of a hospital's occupied bed days as determined by the
7 Department of Healthcare and Family Services (formerly
8 Department of Public Aid), then the Department of Healthcare
9 and Family Services may obtain the sum of occupied bed days
10 from any source available, including, but not limited to,
11 records maintained by the hospital provider, which may be
12 inspected at all times during business hours of the day by the
13 Department of Healthcare and Family Services or its duly
14 authorized agents and employees.

15 Subject to Sections 5A-3 and 5A-10, for the privilege of
16 engaging in the occupation of hospital provider, beginning
17 August 1, 2005, an annual assessment is imposed on each
18 hospital provider for State fiscal years 2006, 2007, and 2008,
19 in an amount equal to 2.5835% of the hospital provider's
20 adjusted gross hospital revenue for inpatient services and
21 2.5835% of the hospital provider's adjusted gross hospital
22 revenue for outpatient services. If the hospital provider's
23 adjusted gross hospital revenue is not available, then the
24 Illinois Department may obtain the hospital provider's
25 adjusted gross hospital revenue from any source available,
26 including, but not limited to, records maintained by the

1 hospital provider, which may be inspected at all times during
2 business hours of the day by the Illinois Department or its
3 duly authorized agents and employees.

4 Subject to Sections 5A-3 and 5A-10, for State fiscal years
5 2009 through 2014, an annual assessment on inpatient services
6 is imposed on each hospital provider in an amount equal to
7 \$218.38 multiplied by the difference of the hospital's occupied
8 bed days less the hospital's Medicare bed days.

9 For State fiscal years 2009 through 2014, a hospital's
10 occupied bed days and Medicare bed days shall be determined
11 using the most recent data available from each hospital's 2005
12 Medicare cost report as contained in the Healthcare Cost Report
13 Information System file, for the quarter ending on December 31,
14 2006, without regard to any subsequent adjustments or changes
15 to such data. If a hospital's 2005 Medicare cost report is not
16 contained in the Healthcare Cost Report Information System,
17 then the Illinois Department may obtain the hospital provider's
18 occupied bed days and Medicare bed days from any source
19 available, including, but not limited to, records maintained by
20 the hospital provider, which may be inspected at all times
21 during business hours of the day by the Illinois Department or
22 its duly authorized agents and employees.

23 (b) (Blank).

24 (c) (Blank).

25 (d) Notwithstanding any of the other provisions of this
26 Section, the Department is authorized, during this 94th General

1 Assembly, to adopt rules to reduce the rate of any annual
2 assessment imposed under this Section, as authorized by Section
3 5-46.2 of the Illinois Administrative Procedure Act.

4 (e) Notwithstanding any other provision of this Section,
5 any plan providing for an assessment on a hospital provider as
6 a permissible tax under Title XIX of the federal Social
7 Security Act and Medicaid-eligible payments to hospital
8 providers from the revenues derived from that assessment shall
9 be reviewed by the Illinois Department of Healthcare and Family
10 Services, as the Single State Medicaid Agency required by
11 federal law, to determine whether those assessments and
12 hospital provider payments meet federal Medicaid standards. If
13 the Department determines that the elements of the plan may
14 meet federal Medicaid standards and a related State Medicaid
15 Plan Amendment is prepared in a manner and form suitable for
16 submission, that State Plan Amendment shall be submitted in a
17 timely manner for review by the Centers for Medicare and
18 Medicaid Services of the United States Department of Health and
19 Human Services and subject to approval by the Centers for
20 Medicare and Medicaid Services of the United States Department
21 of Health and Human Services. No such plan shall become
22 effective without approval by the Illinois General Assembly by
23 the enactment into law of related legislation. Notwithstanding
24 any other provision of this Section, the Department is
25 authorized to adopt rules to reduce the rate of any annual
26 assessment imposed under this Section. Any such rules may be

1 adopted by the Department under Section 5-50 of the Illinois
2 Administrative Procedure Act.

3 (Source: P.A. 95-859, eff. 8-19-08; 96-1530, eff. 2-16-11.)".